

## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

### Board of Selectmen Meeting Minutes

Monday, June 27, 2011 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin, Selectman Allen Curseaden, Selectman Corliss Lambert

Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

#### **1. 6:00 PM Open Regular Meeting and Pledge of Allegiance**

The Chairman called the meeting to order; the pledge of allegiance was said. The Clerk read the agenda and the Board was introduced.

#### **2. New Business**

##### **• Alcoholic Beverages Hearings**

##### **○ 6:00 P.M. Alteration of Licensed Premise Request – Tyngsboro Sportsmen's Club, Inc. 90 Westford Road**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the hearing. The Clerk read the legal notice. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to waive the reading of the abutters. The Chair invited the petitioner to come forward and present his petition. Mr. Robert Woods, manager of record, came forward and presented the request on behalf of the Club Members. The members wish to alter the licensed premise at 90 Westford Road to include the outside barbeque area and the property in close proximity of the Club house for the purpose of serving alcohol for the approved outside functions. The area will be roped off and crowd managers will be on site to maintain order. All alcohol servers are TIPS certified and the certifications are on file. The Chair asked if there were any abutters present who wished to speak for or against this petition. Mrs. Ruth Armstrong of 36 Steinbeck Street came forward to voice her opposition to the petition, she has experienced loud music and noise at her former address and though it was not the Tyngsboro Sportsmen's Club, the fact remains that it could become troubling for the neighborhood. The Members present assured Mrs. Armstrong that this would not happen, they have had numerous events outdoors with no complaints; alcohol was not served at these outdoor events. The Board reviewed the application and found all to be in order and the Board also assured Mr. Armstrong that if there is excessive noise the Board would act on the complaint. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to close the hearing. Three members of the Board declared that they are merely members but are not officers or directors of the Tyngsboro Sportsmen's Club; therefore, they may vote on this petition. Selectman Jackson motioned to approve the request to alter the license premise to allow the serving of alcohol at the limited number of functions and to be capped no later than 9:00 PM, second by Selectman Lambert for discussion. The Board discussed the restriction of the time as the Club has a closing time of 2AM. No vote on this motion. Selectman Jackson amended his motion to read to allow the alteration of premises as described by the applicant this evening; to serve alcohol in a confined roped off area and to limit the time to 9 PM for the outdoor functions, second by Selectman Lambert for discussion. To simplify the motion Selectman Jackson motioned to approve the outdoor serving area on existing limited days and limit

the time till 9:00 PM. After the discussion on limiting the serving till 9:00 PM, the club does have a 2AM closing time and limiting till 9PM may have an affect on the present closing time. The Board voted 4-1 on a motion by Selectwoman Coughlin, second by Selectman Lambert to amend the motion by Selectman Jackson to read to approve the alteration as requested consistent with the license premise.

- **6:15 P.M. Alteration of Licensed Premise Request - Maxamillian's Inc. 315 Middlesex Road**

The Board has received a request from Attorney Nicosia to continue the hearing until Monday July 11, 2011 to allow for time to notify the abutters. The board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the hearing, the Clerk read the legal notice published in the local newspaper. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to continue the hearing to Monday, July 11, 2011 at 6:00 P.M. at the Town Hall 25 Bryant Lane.

- **Appoint Alternate Electrical and Plumbing/Gas Inspectors**

The Board has received a request from the Building Commissioner to appoint an alternate Electrical Inspector and an alternate Plumbing/Gas Inspector to cover in the event an inspector is not available. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to appoint Guy Denommee as the Alternate Plumbing and Gas Inspector, and Mark DeSousa as the Alternate Electrical Inspector.

- **Appoint Interim Council on Aging Director**

The Board received a letter of retirement from the Council on Aging Director effective, July 6, 2011. The Administrator has advertised the position, applicants responded, interviews were conducted and a candidate was selected. The Board reviewed the resume of the selected candidate and the Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to appoint Barbara Roche as the new Interim Council on Aging Director effective July 6, 2011.

- **Cultural Council - Announcement of FY2011 Awards**

The Chair of the Cultural Council, Juli Rodgers introduced herself and gave a brief overview of the duties of the Council. The Council receives applications for grants that are awarded yearly, this year there was \$3,687.00 awarded to various groups. The Council on Aging and the Library received grants this year for various programs. The Council has received good reviews on some of the programs that have already taken place. There will be applications available in the Fall. The Council will have a public information hearing to notify applicants. Ms. Rodgers is presently working with the Media Director to start a web page link to the Council on the Town's Web Site.

- **Yearly Appointments - Discussion**

The Board was in receipt of the list of appointees, the Chair asked that all appointees whose terms have ended be sent a letter asking if they wished to be reappointed. And have a complete list of appointments due and the list of re-appointees' letter of interest by end of July.

The Administrator detailed the process. The RFP was advertised and responses accepted. There were two responses to the RFP Mr. Robson and the Town of Westford. The Town of Westford would scale back services to meet the contract funding. The Board did vote to have Selectman Lambert, the Administrator and the Chief of Police review the applications and to make a recommendation. The recommendation was to offer the contract to Mr. David Robson. The Board voted 5-0 on a motion by Selectman Lambert, second by Selectwoman Coughlin to award the Animal Control and Animal Inspector contract to Mr. David Robson on condition to negotiate and inspection of the kennel the Administrator will execute the contract on behalf of the Board effective July 1, 2011.

### **3. Old Business**

- **7:00 P.M. NMCOG**

- **Housing Production Plan**

Ms Beverly Wood of NMCOG was present to review the Housing Production Plan Update. New regulations for developing an updated plan were put in place by the Massachusetts Department of

Housing and Community Development (DHCD) that include certain requirements. The new plan will be different because of new regulations and new census #, DHCD will release this month new regulations, the communities will be able to place a moratorium on affordable units when 1% is reached. Ms Wood asked if the Board wished to designate a member to work in a smaller group and the GIS technician will help locate property and evaluate the town's infrastructure. NMCOG looks forward to assisting the town with this project and welcomes your thoughts and suggestions.

- **Zoning Bylaw Revisions**

Ms Beverly Wood has mentioned at a meeting that the budget through DLTA IV is not sufficient to cover the complete re-write of the current zoning bylaw. After discussions with the Planning Board they would prefer to address specific key sections of the bylaw at this time. NMCOG has agreed to undertake the following activities. NMCOG will address the Planning Board's engineer's issues, improve and revise cell tower portion of the by-law, review and suggest revisions to the temporary living quarters, to work with Town Clerk to incorporate all zoning revisions, meet with the Bldg Commissioner and Town Counsel to better understand the zoning. They will also review the bylaw and flag those sections most in need of updating and to conduct a work session with the Board of Selectmen and the Planning Board to identify and prioritize portions of the bylaw that need to be addressed. The Board thanked Ms Wood and Mr. Donovan for coming in to meet with the Board.

#### **4. Citizen/Business Time –**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Mr Nappi came forward to discuss Entel's proposal to install a new damming system. The residents that border the river have issues with the new system; they fear that it will cause flooding. They have already had an increase to, or if they do not have must sign up, for flood insurance. The final draft of the Environmental Impact for the project and he has not seen any response from Tyngsborough as intervenors. He thanked the Selectmen for allowing him the time to speak.

#### **5. Pending Meeting Minutes**

- **Regular Session**

- **May 16, 2011**

The Board received and reviewed the minutes of Monday May 16, 2011. One correction was noted, to remove wording referencing the Westford Road Project. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to approve the Minutes of Monday May 16, 2011 as amended.

- **Executive Session**

- **May 16, 2011**

The Board received and reviewed the minutes of Monday May 16, 2011. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to approve and release the Executive Session Minutes of Monday May 16, 2011.

Discussion on the posting of the minutes on the web page by Selectman Jackson, he would like to see the minutes posted on the webpage as soon as approved and then to have the back up information added on after review.

#### **6. Correspondence**

Correspondence is posted at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov) with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

The Board received and reviewed the correspondence. The Clerk read the list of correspondence. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson for discussion to approve the correspondence. Discussion – Selectman Jackson requested a letter with Selectmen's signatures be sent to Sgt. Chronopoulos thanking him for his many years of service to

the community. The Board received a letter from the Town of Framingham informing the Town's of their recent Town Meeting requesting that their Federal and State Representative file legislation that will eliminate all unfunded State and Federal mandates. The Board received a letter from the Town Treasurer recognizing Assistant Kathleen Cayer for her dedication to making sure the payroll was completed, staying till the early hours of the morning. The need was caused by the disruption of power to the town offices for 3 hours on a payroll day. The Selectmen commended both employees for their dedication.

## **7. Selectmen's Reports**

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

On Wednesday the Town hosted the Smart building Seminar for contractors and inspectors, it was well attended. The Legion had their installation of officers, it was a great event. The Town will have a hearing on July 13<sup>th</sup> to gather comments from residents about the cable service.

- Selectman Reault – Northern Middlesex Council Of Government  
No comment this evening.

- Selectman Jackson – Insurance Committee/Meeting Minute Status

The insurance committee has been waiting for information on property and casualty, none has come forth the committee will meet to discuss the wrap up of the info received to date. I attended the Innovation Academy's first graduation it was quite remarkable, Tyngsborough was mentioned as being in attendance. Discussion on the Beach/Park passes; are the passes being given per household or per vehicle. The Administrator will check on the way the passes are being given.

- Selectman Curseaden – Update on the field trip he took to the Town of Westford to look at the technology the town uses for their meetings. The Town of Westford has been using iPads for the material for their meetings. The town could save if using the electronic vs the paper method. There will be a hard copy in the office if needed. The use of electronics does comply with the open meeting laws. The Executive Session material will be in hard copies.

- Selectman Lambert – No comment this evening.

## **8. Town Administrator's Reports**

- Response to Selectmen's Requests

The letter to the Manager of Thirsty's requesting status on the soundproofing was sent.

- Departmental Information

The Frost Road park regulations have been reviewed and the list of items has been delineated for posting approval is requested. Discussion on the signage of the park, the Board does not want to see signage at the park they would rather have a form detailing the dos and don'ts given out when the passes are given. A request was received from the School Department asking if they could store items from the Early Childhood Center at the Winslow School.

- Other

The IRS has approved a new mileage rate effective July 1, 2011. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to recognize and approve the new mileage rate of 55.5 cents a mile and 23.5 cents for medical and moving mileage.

## **9. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation

The Board voted on a motion by Selectman Jackson, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Lambert, yes; Selectman

Curseaden, yes; Selectwoman Coughlin, yes; Selectman Jackson, yes; Selectman Reault, yes. The Board entered into executive session at 9:05 P.M.

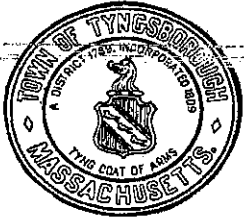
**10. Adjournment**

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman Coughlin to adjourn the meeting. The meeting adjourned at 10:30 P.M.

Respectfully Submitted

Therese Gay

Approved on *Monday August 8, 2011*



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- **Appoint Alternate Electrical and Plumbing/Gas Inspectors**
- **Appoint Interim Council on Aging Director**
- **Cultural Council - Announcement of FY2011 Awards**
- **Yearly Appointments - Discussion**

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- **Selectman Jackson - Insurance Committee/Meeting Minute Status**

- Selectman Curseaden -
- Selectman Lambert -

#### **8. Town Administrator's Reports**

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

#### **9. Executive Session**

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- Collective Bargaining
- Litigation

#### **10. Adjournment**

#### **Future Meetings**

**\*\* July 4, 2011 Independence Day Holiday - Town Hall Offices Closed\*\***

**Selectmen's Meeting, Monday, July 11, 2011 at 6:00 PM at the Town Offices**

**Selectmen's Meeting, Monday, July 25, 2011 at 6:00 PM at the Town Offices**

[illegible]